

Paul from

July 26, 1968

Mr. Alexander M. Bickel  
Chancellor Kent Professor of Law  
Yale University  
New Haven, Connecticut

Dear Mr. Bickel:

The past four years have taught me something that by 50 I had not learned: patience. This is not what accounts for my silence until now about your learned crap in the New Republic of March 23. I just did not see it sooner.

I have learned that everything I seek to accomplish cannot be done as fast as I want it to be, not nearly as fast as I think the national interest requires it.

As I believe I once said in a letter so eminent and learned and honored and famous and important and busy a man as you, quite naturally, had no time to answer, convenient reasons when one considers it was also impossible, if I can do nothing else, I can and will leave a record. This record will be in a non-official archive in a major university. There, in the future, at least, the country will be able to see who served it and freedom and how - and who did not; who served dishonor and falsehood, who abdicated.

When society needed them most, those to whom we normally turned for leadership and direction were missing. The learned finks of the eastern intellectual community were first silent and then apologists for what can be neither excused, justified nor apologized for, a fraudulent official account of the murder of a President (which was also the legitimizing of how the successor regime came into power).

Leading the pack in the attack on those who did not shun the responsibilities of the eminent was no less a personage than the exalted Chancellor Kent Professor of Law, who was entirely untroubled that the law he teaches was so ignored when not abused, so demeasured, so prostituted. He had just enough of true nobility of spirit, just enough tolerance and understanding, to realize that in some circumstances there are things more essential than truth, justice, law, right - even the sanctity and integrity of evidence.

Such daring concepts are easily published and republished in the United States, and no less readily republished by the great (if you'll pardon the word) newspapers.

History shows us that, while a number are not so fortunate, most of us do survive the traditional disappearances of the intellectuals in time of crisis, and from this I take comfort, especially if our country can, somehow, avoid open fascism. Fascism, however, always has a way of beginning where the intellectuals get off.

I know where the learned scholar of the law, the Chancellor Kent Professor, got off. Where he had to work to learn, then think to understand, and then face the awful reality. He is too great for the first; too wise for the second, for with the instinct of his kind, he knows the consequences of thinking about fact and the inevitable conclusions he would reach; and too cowardly to face the third. It is so much more comfortable to be a great and respected professor, even if thereby a fink; so much more pleasant to be adored, even if by the types who adored Hitler and Mussolini; so much more satisfactory not to be thought a rebel and have the wealthy and socially prominent whisper about him behind their hands.

You live this way, professor. I would not change with you.

But I will, again, challenge you, knowing, stout heart that you are, you will find ample and scholarly reason for not accepting it. And you will be in good company, for those you revere - and so publicly, in your writing - like you, will not accept challenges that require the slightest possibility of face-to-face confrontation. Like you, they feel more secure as muggers do, striking from the back, from the shadow, where they can run and not face. Particularly do I include those other eminences, from the long tradition that earned Britain the nickname "Blighty", Sparrow and Goodhart, and Epstein, whose direct, simple and basic dishonesty guarantees that he, too, will soon become an eminent American scholar (in his case, he has already fulfilled the first requirement, to begin and remain ignorant).

And, to make it possible for you to respond, for I know how little you know of the fact of which you write so positively, I ask merely that you validate two of your own opinions.

The arguments of the critics whom Mr. Sparrow classifies as demonologists do not withstand analysis ... Others before Mr. Sparrow have demonstrated this, though not with as much elegance ...

You include me as a critic. I therefore ask you to show me where and how either the Sparrow or that other odd bag of strange birds did this with respect to me or my work - and I regard you as feathered. In fact, with your love of "elegance", a new concept of logic and reason, if not of evidence, I ask you to show me a single place in that elegance where Sparrow even pretends to - or Goodhart, or Epstein, or you - any of the "less elegant".

Certainly, as Mr. Sparrow briefly suggests, there are alternative hypotheses consistent with Oswald's guilt and even with his being the lone assassin, but they present difficulties of their own and the Commission never pursued them.

First, I should like to ask that you specify any evidence you, as so respected and learned a professor of law, regard as really solid, admissible evidence that would stand up in court that proves Oswald was an assassin. Then I should like the same kind of evidence that the crime could have been committed by any single man - you select the most qualified and prove, with the Commission's best evidence of which you are so enamored, that it was possible.

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May I suggest that, unless you can do these two simple things in confrontation with me, you are not as respectable as a whore?

Because you, like Epstein, find it easier to assume the validity of the Commission's basic conclusion, the one built in, of Oswald's guilt, you find it congenial to defend Epstein. He is a bird of your feather, which also motivates you. For his dislike of Epstein alone you chide Goodhart and say of his writing, this "is the only weak spot in his terse, intelligent critique".

You lawyers are wont to refresh the recollections of witnesses. I take the liberty of refreshing yours, with this photocopy of part of a Goodhart "intelligent critique". "Intelligence", as you employ it, seems to be a substitute for everything else, including fact.

From his description of the scene of the crime:

The main facts relating to the assassination are so well known that it is only necessary to refer to them briefly (what a blessing!). The Dealey Plaza is a large open square ... On the west side, flanked by Elm Street, is a grassy knoll rising sharply about 35 to 50 feet high, ... On the south side there is a large overpass or bridge ... beneath which Elm Street and two other roads converge ... On the east side of the Plaza there are a number of high buildings at right angle to the Book Depository Building so that any noises coming from it are funneled to the South. At 12:35 p.m. the President's car passed the Book Building and then turned sharp left down Elm Street.

If you want further examples of "terseness" and "intelligence", if not "elegance", please, by all means, ask. I have not exhausted the possibilities of the scholarship you so love - or the scholars!

How blessed is the world with its "scholars"! How strong is the freedom they protect, how great the honor, how sure the integrity!

Sincerely,

Harold Weisberg